

### **REMARKS/ARGUMENTS**

Reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability of all claims as now presented are earnestly solicited in light of the above amendments and remarks that follow.

Claims 1-37 are pending in the application. Independent claims 1, 22, and 29 have been amended to recite that the first and second sections of filter material are constructed of a fibrous tow. Support for this amendment may be found throughout the specification, particularly on pages 24-25 and in the examples and original claims. The change in the independent claims necessitated an amendment of claims 6, 23, 26, and 30 in order to retain consistency with the amended language of the independent claims. It is respectfully submitted that no new matter is introduced by these amendments. Further, it is respectfully submitted that the amendments place the application in condition for allowance. Accordingly, entry of these amendments is requested.

Claims 1-17, 19, and 21-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2004/023798 to Figlar *et al.* in view of U.S. 2005/0139223 to Squires *et al.* The Examiner relies upon the Figlar application as describing a filter element comprising two sections of filter material with a compartment defined therebetween, wherein the sections of filter material can be a tow or paper material. The Examiner also alleges that the Figlar patent teaches use of an ion exchange resin and a general adsorbent within the compartment. The Examiner admits that Figlar does not specifically state that a first section of filter material has a greater particulate removal efficiency than a second section of filter material. However, the Examiner relies upon the Squires application as disclosing that it is known to utilize a filter arrangement comprising a paper filter section, a tow filter section, and a gap therebetween. Based on this art, the Examiner concludes that it would have been obvious to modify the Figlar filter element with a tow/space/paper configuration. Applicants respectfully traverse this rejection.

As noted above, all claims have been amended to recite that both sections of filter material defining the compartment therebetween are formed of a fibrous tow. As explained in Applicants' specification, fibrous tow sections of filter material are preferred, and such sections of filter material are specifically described in the embodiment set forth in Example 2, wherein a

filter comprising a tow having a higher particulate removal efficiency proximal to the tobacco rod is exemplified.

As admitted by the Examiner, the combination of Figlar and Squires would merely suggest, at most, forming a tow-space-paper filter arrangement, which is not encompassed by the claims as presently amended. There is absolutely nothing in the cited references to suggest formation of a filter element comprising two sections of fibrous tow filter material, wherein one section has greater particulate removal efficiency than the other section. As the Examiner notes, the Squires patent suggests that paper filters “are known to be generally more efficient at removing tar from tobacco smoke than are tow filters.” Thus, this reference actually teaches away from the claimed invention by suggesting that one should use a material other than a fibrous tow when attempting to improve filtration efficiency. Neither cited reference discusses use of two fibrous tow filter sections having different particulate removal efficiencies in the same filter element.

Applicants also note that the Examiner’s reasoning for including claims 7 and 35 in the rejection are inconsistent with the modification of the Figlar reference by the Squires reference that the Examiner is proposing as the basis for the rejection. The Examiner states that it would be obvious to modify the Figlar filter by using a tow/space/paper arrangement as disclosed by Squires, and then points to Figlar as teaching two sections of filter material comprising plasticized cellulose acetate tow when commenting on claims 7 and 35. It is respectfully submitted that Figlar’s discussion of a filter comprising two tow sections is immaterial once the Examiner relies upon a modification of such a filter to replace a tow section with paper based on the Squires reference. Claim 7 depends from claim 1. The Examiner is not free to rely on a modification of the Figlar filter based on a second reference for claim 1 and then ignore the modification when considering claim 7. An analogous statement can be made with respect to independent claim 29 and claim 35. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claims 18 and 20 are also rejected as being unpatentable over the above-referenced art, further in view of either U.S. Patent No. 5,714,126 to Frund or U.S. Patent No. 3,658,069 to Wise. Neither these additional cited patents overcome the deficiencies of the combination of

Figlar and Squires as noted above. Specifically, even combining the art discussed above with the Wise or Frund patents will still not result in a filter arrangement as presently claimed, wherein the filter comprises two sections of fibrous tow filter material defining a compartment therebetween, one section of fibrous filter material having a greater particulate removal efficiency than the other section of filter material. Accordingly, Applicants respectfully request reconsideration and withdrawal of these rejections as well.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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